

REMARKS

In the outstanding office action dated 06/28/2004, claims 32-38 were examined. The applicant notes with appreciation the indication that claims 35-38 would be allowable if rewritten in independent form including all of the elements of the base claim and any intervening claims and to overcome an indefiniteness rejection.

By way of the outstanding office action, claim 32-38 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Furthermore, claims 32-34 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Wahle, US. Pat. No. 4,037,608, ("Wahle").

In response, claim 32 has been amended and claims 39-42 have been added. Accordingly, all pending claims are now in condition for allowance.

Claims 32-38 are Not Indefinite.

Claim 32 stands rejected under 35 U.S.C. 112, second paragraph as being indefinite. The examiner asserts that the phrase "mutually cooperating" is not clear, because it is not clear whether it represent a "physical" or a "spatial" relationship of the shaving disks or a "functional" relationship of the shaving disk. For the purpose of examination, the examiner interprets the phrase "mutually cooperating" as meaning "working together". This interpretation is correct according to what it is disclosed on page 5, lines 16-24 of the specification. To further clarify the meaning of the phrase "mutually cooperating," claim 32 was amended to recite that the two shaving disks have relevant cutting edges substantially tangent to each other. Support for claim 32 can be found on page 5, lines 20-24 of the specification. Accordingly, claim 32 is not indefinite, and this rejection is respectfully requested to be withdrawn.

Claims 32-38 are Not Obvious.

Claim 32 stands rejected under 35 U.S.C. §103(a) as allegedly being obvious in view of Wahle. Claim 32 recites in part that the two shaving disks have relevant cutting edges substantially tangent to each other. Claim 32 further recites that the control unit is electrically connected to the two electric motors for activating the two electric motors to impart a respective given angular speed to each shaving disk.

Wahle discloses a unit for forming a tobacco rod comprising a forming conveyor 4 for conveying a stream of tobacco 2 in a linear direction. Two cutter 36, 37 are arranged in different position along the length of the stream in the forming conveyor 4 and run by two distinct motors 33, 34 each of which includes a respective shaft. The cutters 36, 37 are also arranged at a different height relative to the stream of tobacco 2. Two servomotors 38, 39 move the cutters 36, 37 nearer to or further away from the upper reach of the forming conveyor 4. A control unit 43 controls the two servomotors 38, 39.

Wahle does not disclose two shaving disks having relevant cutting edges substantially tangent to each other. As depicted in figure 2 of Wahle, it is clear that cutters 36, 37 are located far from one another along the length of the stream of tobacco in order to shave the stream in different positions. Further, the cutters are at different heights. The first cutter cuts away a first amount, but leaves a surplus, and the second cutter then cuts away the remaining surplus. In other words, in Wahle there is no teaching of two shaving disks having relevant cutting edges substantially tangent to each other. Wahle further does not recognize the benefits, and therefore provides no motivation for such an arrangement. As pointed out in the specification, "[U]sing two separate independent electric motors 32 [for two shaving disks 23] provides for an extremely compact, low-cost structure of shaving device 21, as well as for precise, continuous, independent adjustment of the rotation speeds of shaving disks 23." Claim 32 is allowable over Wahle for this reason alone.

Wahle further does not teach or suggest a control unit electrically connected to the two electric motors to impart a respective given angular speed to each shaving disk. The office action rejects claim 32, asserting that "the control unit 43 obviously enables each of the said motors to impart a particular speed to each of the cutters." We would respectfully point out that the control unit 43 controls the servomotors 38, 39, which move the cutters 36, 37 and their motors 33, 34 towards and away from the forming conveyor 4, but there is no teaching that the control unit 43 also controls the motors 33, 34 that rotate the cutters 36, 37 to control the speed of rotation of the cutters 36, 37. Wahle teaches:

The cutters 36, 37 can be moved nearer to or further away from the upper reach of the conveyor 4. Such movements are effected by servomotors 38, 39. The means for rotating the cutters 36, 37 comprises two discrete motors 33, 34 which can share the movements of the respective cutters toward or away from the conveyor 4... The servomotor 38 for the cutter 36 of the trimming device 31 receives voltage signals from an amplifier 42 which is connected with one output of a control circuit 43. The latter

further comprises a second output which is connected to an amplifier 56 for the servomotor 39.

Column 6, lines 21-29; Column 6, line 65 - column 7, line 6 (emphasis added).

From the above, it is clear that Wahle does not teach or suggest that the control unit 43 controls also the rotational speed of the motors 33, 34 in order to regulate the rotational speed of the cutters 36, 37. Wahle does not recognize the benefits of controlling the speed of rotation as outlined on page 9, line 26 - page 10, line 11 of the specification, and therefore provides no suggestion to electrically connect the controller to the electric motors that impart a given angular speed to each shaving disk.

Accordingly, claim 32 is allowable. Claims 33-38 depending from claim 32 are also allowable.

New claims 39-42 are Allowable.

New independent claim 39 includes the subject matter of original claim 35 and base claim 32. This claim has also been rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, by not including the allegedly indefinite phrase, "mutually cooperating." Accordingly, because this subject matter has been indicated to be allowable, claim 39 is in allowable format.

Likewise, new independent claim 40 includes the subject matter of claims 36 and 32, new independent claim 41 includes the subject matter of claims 37 and 32, and new independent claim 42 includes the subject matter of original claims 38 and claim 32; all being rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph. Accordingly, because this subject matter has been indicated to be allowable, claims 40-42 are in allowable format.

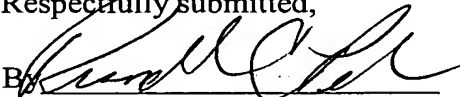
CONCLUSION

In view of the foregoing remarks, it is submitted that the claims as now appearing in this application are in good and proper form for allowance. A favorable action on the part of the examiner is respectfully solicited. If, in the opinion of the examiner a telephone conference would expedite prosecution of the subject application, the examiner is invited to call the undersigned attorney.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 20022/39551/US.

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Respectfully submitted,



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